



Department of
Toxic Substances
Control

*Preventing
environmental
damage from
hazardous waste,
and restoring
contaminated
sites for all
Californians.*



State of California



California
Environmental
Protection Agency

Fact Sheet, September 2007 (Updated March 2008)

California's Lead-Containing Jewelry Law

The Department of Toxic Substances Control (DTSC) is responsible for enforcing the law described below to protect children and adults from exposure to lead in jewelry. The law sets deadlines for restricting lead in jewelry and establishes other conditions. As part of DTSC's education efforts, this Fact Sheet is available to consumers as well as individuals and businesses in the jewelry industry.

Background

Jewelry, including inexpensive children's jewelry, can contain dangerously high levels of lead. Lead is a toxic metal that can cause serious health effects ranging from behavioral problems and learning disabilities to organ failure, and even death. Children six years old and under are most at risk, because their bodies are growing quickly. Lead-containing jewelry poses a particular concern because children are prone to placing jewelry in their mouths, which can result in dangerous amounts of lead getting into their bloodstreams. Consumer product recalls of lead-contaminated jewelry sold in places such as discount stores, gift shops and vending machines have increased the awareness of the health hazards associated with lead in jewelry. The tragic death of a four-year-old child in Minnesota after swallowing a jewelry charm containing lead underlines the importance of taking immediate action to ensure the public is safe from this danger.



Based on growing concerns about jewelry containing lead, California now has a law¹ that restricts the lead content in jewelry. Effective **September 1, 2007, for children's jewelry**, and **March 1, 2008, for all other jewelry, including body piercing jewelry**, State law will prohibit persons from manufacturing, shipping, selling, or offering for sale jewelry for retail sale in California unless certain requirements are met. For example, the law requires manufacturers to use specific classes of materials in jewelry that do not typically contain lead, or which contain limited amounts of lead.

A number of jewelry manufacturers, distributors, and retailers have already agreed to comply with these restrictions on lead in jewelry as signatories to a 2006 consent judgment resulting from a Proposition 65 lawsuit filed by the California Attorney General's Office and two environmental groups². This law now extends the restrictions to other businesses of all sizes.

¹ Health and Safety Code sections 25214.1-25214.4.2 <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=25001-26000&file=25214.1-25214.4.2>

² <http://ag.ca.gov/prop65/pdfs/amendedConsent.pdf>



Applicability

This new law applies to:

- People who: manufacture, ship, sell, or offer for sale jewelry for retail sale in California.
- Parties not already subject to the California Attorney General's 2006 consent judgment related to a Proposition 65 lawsuit involving lead in jewelry³.



Definitions

- “Jewelry” Any of the following ornaments worn by a person: anklet; arm cuff; bracelet; brooch; chain; crown; cuff link; decorated hair accessories; earring; necklace; pin; ring; body piercing jewelry; and any bead, chain, link, pendant, or other component of these items.
- “Children’s Jewelry” Jewelry made for, marketed for use by, or marketed to children ages six and younger.
- “Body Piercing Jewelry” Any part of jewelry that is manufactured or sold for placement in a new piercing or a mucous membrane, but does not include any part of that jewelry not placed within a new piercing or a mucous membrane.

Note: The part of body piercing jewelry not placed within a new piercing or a mucous membrane is considered “jewelry”.

Requirements & Deadlines

Effective **September 1, 2007**, for children’s jewelry and **March 1, 2008**, for all other jewelry, including body piercing jewelry, a person must not manufacture, ship, sell, or offer for sale jewelry for retail sale in California unless it is made entirely from one or more of the materials specified in the following table:

³<http://ag.ca.gov/prop65/pdfs/amendedConsent.pdf>

MATERIALS REQUIRED FOR JEWELRY

Jewelry Type	Effective Date	Type of Material Required-- <i>Jewelry Must Be Made Entirely From One or More of the Materials Listed for Each Jewelry Type</i>
Children's Jewelry (Made for, marketed for use by, or marketed to children ages 6 and younger)	On and after September 1, 2007	<p>A nonmetallic class 1* material</p> <p>A nonmetallic class 2* material</p> <p>A metallic material that is either a class 1* material or contains <0.06% (600 ppm) lead by weight</p> <p>Glass or crystal decorative components that weigh in total no more than 1 gram, excluding any glass or crystal decorative component that contains <0.02% (200 ppm) lead by weight and has no intentionally added lead</p> <p>Printing ink or ceramic glaze that contains <0.06% (600 ppm) lead by weight</p> <p>Class 3* material that contains <0.02% (200 ppm) lead by weight</p>
Body Piercing Jewelry (Any part of jewelry that is manufactured or sold for placement in a new piercing or a mucous membrane)	On and after March 1, 2008	<p>Surgical implant stainless steel</p> <p>Surgical implant grade of titanium</p> <p>Niobium (Nb)</p> <p>Solid 14 karat or higher white or yellow nickel-free gold</p> <p>Solid platinum</p> <p>Dense low-porosity plastic, including, but not limited to, Tygon or Polytetrafluoroethylene (PTFE), if the plastic contains no intentionally added lead</p>
All Other Jewelry	On and after March 1, 2008	<p>Class 1* material</p> <p>Class 2* material</p> <p>Class 3* material</p>

*Jewelry Material Classes

Class 1 Materials:

Stainless or surgical steel; karat gold; sterling silver; platinum, palladium, iridium, ruthenium, rhodium, or osmium; natural or cultured pearls; glass, ceramic, or crystal decorative components, including cat's eye, cubic zirconia, cubic zirconium (CZ), rhinestones, and cloisonné; gemstones cut and polished for ornamental purposes (excluding aragonite, bayldonite, boleite, cerussite, crocoite, ekanite, linarite, mimetite, phosgenite, samarskite, vanadinite, and wulfenite); elastic, fabric, ribbon, rope, or string (unless it contains intentionally added lead and is listed as a class 2 material); all natural decorative material, including amber, bone, coral, feathers, fur, horn, leather, shell, wood, that is in its natural state and is not treated in a way that adds lead; and adhesive.

Class 2 Materials:

- Electroplated metal:
 - On and before August 30, 2009, a metal alloy <10% lead by weight electroplated with suitable under and finish coats.
 - After August 30, 2009, a metal alloy <6% lead by weight electroplated with suitable under and finish coats;
- Unplated metal <1.5% lead not otherwise listed as a class 1 material;
- Plastic or rubber, including acrylic, polystyrene, plastic beads and stones, and polyvinyl chloride (PVC):
 - On and before August 30, 2009, < 0.06% (600 ppm) lead by weight.
 - After August 30, 2009, <0.02% (200 ppm) lead by weight); and
- A dye or surface coating containing <0.06% (600 ppm) lead by weight.

Class 3 Materials:

Any portion of jewelry that meets both of the following criteria:

- Not a class 1 or class 2 material
- Contains <0.06% (600 ppm) lead by weight

Penalties

Those who violate the law are subject to civil penalties up to \$2,500 per day per violation.

Test Methods for Determining Compliance

- EPA Methods 3050B or 3051
- The law specifies additional sample preparation and testing procedures for certain materials.

Caution

This fact sheet does not replace or supersede statutes or regulations. All jewelry manufacturers, distributors, suppliers, and retailers must follow the hazardous waste control statutes and any implementing regulations applicable to their activities.

For More Information

For additional information, please visit the Web site at:

<http://www.dtsc.ca.gov/leadinjewelry.cfm>

You may also email us at:

leadinjewelry@dtsc.ca.gov



You may also contact the DTSC office nearest you, or call the

Regional Regulatory Assistance Officers at (800) 72-TOXIC (800-728-6942).

From outside California, call (916) 255-3618.

DTSC Headquarters

1001 I Street
Sacramento, CA
95814-2828
(916) 323-2678

Clovis Office

1515 Tollhouse Road
Clovis, CA
93611-0522
(559) 297-3901

Sacramento Office

8800 Cal Center Drive
Sacramento, CA
95826
(916) 255-3617

Chatsworth Office

9211 Oakdale Avenue
Chatsworth, CA
91311-6505
(818) 717-6500

Berkeley Office

700 Heinz Avenue
Berkeley, CA
94710
(510) 540-3739

Cypress Office

5796 Corporate Avenue
Cypress, CA
90630
(714) 484-5400

or visit www.dtsc.ca.gov